

FILED

NOV 01 2021

JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTYIN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI**STATE OF MISSOURI**)
Ex inf,)
WESLEY BELL, in his official capacity as)
Prosecuting Attorney of St Louis County ,)

Plaintiff,)

Cause No. **21SL-CC05022****CURTIS FAULKNER,**)

Defendant,)

Division No. **19****JUDGMENT**

Informant, the St. Louis County Prosecuting Attorney, filed his Verified Petition in Quo Warranto on October 25, 2021. Petition seeks the removal of Respondent Curtis Faulkner from St. Louis County Bipartisan Reapportionment Commission ("Commission") because Faulkner holds "public office or employment" and is, therefore, prohibited by the St. Louis County Charter from serving on the commission.

Informant, at the time of the filing of the Petition, moved to shorten the time for Respondent to answer his petition due to the limited time in which the Commission is expected to act. That motion was granted.

On October 27, 2021, Respondent filed his answer through counsel.

On October 28, 2021, Respondent filed his Motion to Dismiss arguing the writ of quo warranto is not the proper remedy to address his qualifications for service on the Commission because the Commission is not a public office for purposes of applying the writ.

On October 28, 2021, Respondent filed a Motion to Shorten Time to argue his motion so that it could be argued at the time of the hearing on Informant's Petition. That motion was granted.

On October 29, 2021, counsel for both parties appeared and offered argument on the Petition and the Motion to Dismiss. Neither party wished to adduce evidence either through testimony or exhibits, satisfied that the conceded allegations in the Verified Petition were sufficient to resolve this matter.

The Commission is empowered by the St. Louis County Charter to establish, after each decennial census, "a final statement of the numbers and the boundaries of the [St. Louis County Council] districts together with a map of the districts." St. Louis Co. Charter Section 2.035. This section also states each commissioner "shall hold no other public office or employment." Id.

Respondent conceded through his answer and during argument that his service with the St. Louis Special School district is a "public office" under the Charter.

Respondent, however, states that the Commission (rather than the Special School District Board") is not a public office and, therefore, quo warranto which exists to adjudicate the right to hold a public office is not the proper remedy.

Respondent cites State ex inf. McKittirck v. Bode, 113 S.W.2d 805 (Mo. 1938) and suggests, under the test for public office set out by the Missouri Supreme Court therein, that Respondent should not be considered a public official at quo warranto.

Bode explains that a public office endows an individual with "some portion of the sovereign functions of government." 113 S.W.2d at 806. The Commission to which Respondent has been appointed is endowed with the power to establish districts in which members of the St. Louis County Council shall stand for election. This power seems to the Court to be at the very heart of the sovereign function of St. Louis County, that is to

establish districts from which to elect its representatives. That political parties are involved in populating it or that prior commissions have failed to file the maps and districts called for by the Charter, as was conceded at argument, does not lessen the "function" the Commission is empowered to perform. A public office that is not productive or efficient or is populated by political parties does not lose its public character.

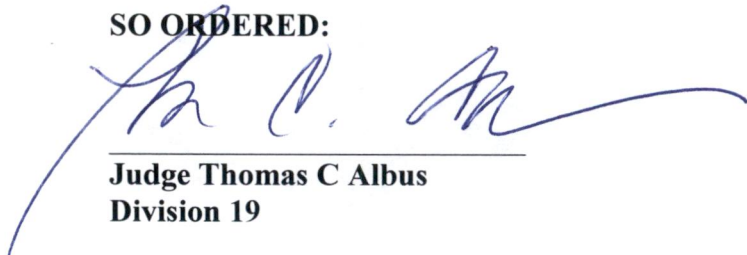
The office of Commissioner of the St. Louis County Bipartisan Reapportionment Commission is, therefore, a public office.

Respondent is disqualified from serving on the Commission because he holds another public office with the St. Louis Special School District.

The Writ of Quo Warranto is a suitable means to resolve Respondent's right to occupy said public office.

Therefore, Informant's Verified Petition is GRANTED. Respondent is not qualified to serve on the Commission and is ordered removed from the same.

SO ORDERED:



Judge Thomas C Albus
Division 19